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12 Attorneys for Defendant  
13 INCOMM HOLDINGS, INC. and  
14 BEST BUY CO., INC.

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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13 BARBARA FAFARD, individually and on behalf  
14 of a class of similarly situated individuals,

15 Plaintiff,

16 vs.

17 APPLE INC., BEST BUY CO., INC.; and  
18 INCOMM HOLDINGS, INC.,

19 Defendants.

20 Case No. 12-CV-5125-CW

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**JOINT STATEMENT, STIPULATED  
REQUEST AND ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE**

20 [Local Rule 6-2, 7-12, 16-2(e)]

21 Date: December 11, 2013  
22 Time: 2:00 p.m.  
23 Courtroom: 2

24 The Honorable Claudia Wilken

1 Pursuant to this Court's September 19, 2013 Order to Continue the Case Management  
2 Conference [Dkt. 34], Plaintiff Barbara Fafard ("Plaintiff") and Defendants Apple, Inc. ("Apple"),  
3 Best Buy Co. Inc. ("Best Buy"), and InComm Holdings, Inc. ("InComm") (collectively,  
4 "Defendants," and collectively with Plaintiff, the "Parties"), having been directed to file a joint  
5 statement advising the Court of the status of mediation and settlement discussions no later than  
6 December 4, 2013, hereby advise the Court as follows:

7 1. On May 21, 2013, the Parties participated in a mediation session with Honorable  
8 Ronald M. Sabraw (Ret.) that resulted in a written Memorandum of Understanding (MOU)  
9 memorializing the Parties' agreement in principle to settle the litigation.

10 2. On October 17, 2013, the Parties participated in a second mediation session with  
11 Judge Sabraw in order to finalize the terms of the MOU.

12 3. This second mediation session resulted in a final executed MOU between the Parties.

13 4. Since that date, the Parties have worked diligently to finalize documents related to the  
14 settlement and to prepare a motion for preliminary approval of class settlement for the Court's  
15 consideration. Despite their best efforts and under Judge Sabraw's continued guidance, the Parties  
16 require additional time to prepare and submit a motion for preliminary approval of class settlement  
17 for the Court's consideration.

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A limited liability partnership formed in the State of Delaware

1  
2 **STIPULATION**

3 NOW, THEREFORE, in consideration of the foregoing, the Parties request an additional  
4 sixty (60) days to finalize the motion for preliminary approval of class settlement and all documents  
5 to be submitted to the Court in connection with that motion.

6 **IT IS SO STIPULATED.**

7  
8 DATED: December 4, 2013

MARCUS & AUERBACH LLC

9 By /s/ Jonathan Auerbach

10 Jonathan Auerbach  
Attorney for Plaintiff  
Barbara Fafard

11  
12 DATED: December 4, 2013

REED SMITH LLP

13 By /s/ Mathew M. Wrenshall

14 Abraham J. Colman  
15 Felicia Y. Yu  
16 Mathew M. Wrenshall  
17 Attorneys for Defendants  
18 InComm Holdings, Inc. and Best Buy Co. Inc.

19  
20 DATED: December 4, 2013

MORRISON & FOERSTER

21 By /s/ David M. Walsh

22 David M. Walsh  
23 Attorney for Defendant  
24 Apple Inc.

## ORDER

2 Pursuant to the above Stipulation, and good cause appearing therefor, the December 11, 2013  
3 Case Management Conference is CONTINUED to **March 13, 2014**, at 2:00 p.m. The Parties shall  
4 file their motion for preliminary approval of class settlement no later than **February 6, 2014**.

## 6 | IT IS SO ORDERED:

8 | DATED: 12/6/2013

Claudia Wilken  
The Honorable Claudia Wilken  
United States District Court Judge

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1 I, *Mathew M. Wrenshall*, attest that as the ECF filer of this Stipulation I obtained concurrence  
2 for this filing from all signatories to this document.

3 DATED: December 4, 2013

4 REED SMITH LLP

5 By /s/ *Mathew M. Wrenshall*

6 Mathew M. Wrenshall  
7 Attorney for Defendants  
InComm Holdings, Inc. and Best Buy Co. Inc.

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